

REMARKS

Claims 1, 4-8, 10, 12, 13, 16, 18, 19, 22-24, 27, 29, 31, and 33-35 are pending in this application. Claims 1, 4-8, 10, 12, 13, 16, 18, 19, 22-24, and 33 are allowed; and claims 27, 29, 31, 34, and 35 are rejected in this application.

Applicants have canceled claims 27, 29, 31, 34, and 35 without prejudice to the filing of a continuation based upon the product of the present invention.

The Examiner is thanked for the courtesies extended during the telephone interview of May 8, 2003. In that teleconference, it was agreed that the method and apparatus claims are allowable, with minor changes to claim 13. It was further agreed that the product-by-apparatus claims are indefinite and needed to be canceled. However, we could not agree on the allowability of the product-by-process claims (claims 28, 30, and 32). The Examiner would not concur that the "fusing" of the claimed dry powder formulation is not taught and/or suggested by Dunsworth (U.S. Patent Number 4,522,861).

Applicants submit that all the outstanding prior art rejections set forth in the Final Office Action dated May 14, 2003, have been rendered moot by the canceling of claims 27, 29, 31, 34, and 35.

The Examiner is thanked for indicating the allowance of claims 1, 4-8, 10, 12, 13, 16, 18, 19, 22-24, 27, 29, 31, and 33-35.

Application No.: 10/031,182  
Amendment Dated August 14, 2003  
Response to Office Action Dated May 14, 2003

Attorney Docket No.: BSW-1

If the Examiner has any questions or comments that would speed prosecution of this case, the Examiner is invited to call the undersigned at 260/485-6001.

Respectfully submitted,



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RJK/mdc10

Encs: Amendments to the Claims  
(5 Sheets; pp. 4-8)  
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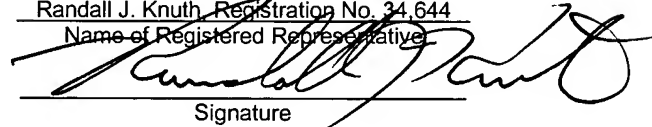
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on: August 14, 2003.

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Signature

August 14, 2003

Date